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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,894	11/13/2001	Scott Lascelles	NEXTP009	4186

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EXAMINER

APPLE, KIRSTEN SACHWITZ

ART UNIT	PAPER NUMBER
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3693

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/991,894

Applicant(s)

LASCELLES ET AL.

Examiner

Kirsten S. Apple

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date
:1/8/02+5/30/02+11/13/02+~~3/24/03~~ 3/19/03

Detailed Action

This action is in response to the application filed on 11/13/2001.

Priority

Acknowledgment is made of applicant's claim for prior priority date of Continuation-in-Part of U.S. Patent Application 6,324,524 filed on 11/03/1998.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular at least claims 1 & 14 contain a conditional statement "if" but only explain one side. To make the claim clear it must describe "if" yes and "if" no statements.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In particular, at least the independent claims 1 & 14 have not tangible action that is concluded. A final action step such as "transferring funds" needs to be specified.

Corrective action to claim is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker US

Patent 6,267,292 B1

Re claim 1, 14, 16 & 17: Walker discloses:

A method & system comprising:

Obtaining account data (associated with first credit account) comprising at least financial institution account held (see Walker, Figure 8A, Item 810)

Determining if financial institution (of first credit account) is related to financial institution (of second credit account) (see Walker, Figure 8A, Item 825)

If true – identifying first credit account as being not eligible for a balance transfer to second credit account (see Walker, Figure 8A, Item 830)

Re claim 2: Walker discloses:

Account data obtained in real time (see Walker, Figure 3, Item 345 it is inherent with a database that it is done in real time)

Re claim 3 & 4: Walker discloses:

Account data is obtained for a source other than account holder = credit reporting bureau (see Walker, Figure 8B, Item 850)

Re claim 5: Walker discloses:

Financial institution related if first account is held is same as where second account is held (see Walker, Figure 8A, Item 825)

Re claim 6: Walker discloses:

Financial institution related if first account is held is affiliated as where second account is held (see Walker, Figure 8A, Item 825)

Re claim 7: Walker discloses:

Step of determining comprises comparing the financial institution with which the first credit account is held with a list of ineligible financial institutions (see Walker, Figure 8A, Item 825)

Re claim 8: Walker discloses:

List of ineligible financial institutions comprises the financial institution with which the second credit account is held and any financial institutions associated with the financial institution with which the second credit account (see Walker, Figure 8A, Item 825)

Re claim 9: Walker discloses:

Receiving from account holder an indication that the account holder is interested in transferring a balance to the second credit account

Obtaining account data is preformed in response to indication (see Walker, Figure 9, Item 120)

Re claim 10: Walker discloses:

Displaying at least a portion of account data to the account holder (see Walker, Figure 12A, Item 1215)

Re claim 11: Walker discloses:

Displaying at least a portion of account data to the account holder in the event it is determined that the financial institution with which the first credit account is held is not the same as or associated with the financial institution with which the second credit account is held (see Walker, Figure 12A, Item 1225)

Re claim 12: Walker discloses:

Providing to the account holder a balance transfer request display, The display comprising data entry field, Populating the data entry field with at least one element of account data (see Walker, Figure 8A, Item 1275)

Re claim 13: Walker discloses:

Providing to account holder a balance transfer request display

Display comprising a data entry field

In the event it is determined that the financial institution with which the first credit account is held is not the same as or associated with the financial institution with which the second credit account is held, populating the data entry field with at least one element of account data (see Walker, Figure 8A, Item 1275)

Re claim 15: Walker discloses:

Computer system comprise two or more computers (see Walker, Figure 2)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stoutenburg et al., U.S. Patent No 6,488,203, money transfer system and method.

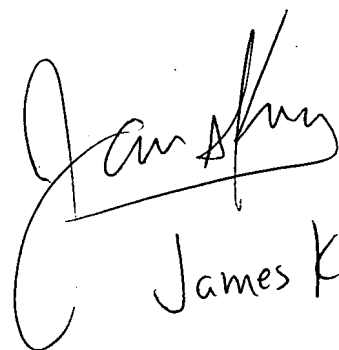
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa

 1/5/07
James Kramer